

TWELFTH DAY

(Saturday, February 17, 1934)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Kyle of Palo Pinto.
Adamson.	Laird.
Aikin.	Latham.
Alsup.	Lemens.
Anderson.	Lindsey.
Atchison.	Long.
Baker.	Lotief.
Barrett.	Mackay.
Barron.	Magee.
Bergman.	McCullough.
Bourne.	McGregor.
Bradley.	McKee.
Burns.	Merritt.
Butler.	Metcalfe.
Camp.	Mitcham.
Canon.	Moffett.
Caven.	Moore.
Celaya.	Morrison.
Clayton.	Morse.
Crossley.	Munson.
Daniel.	Nicholson.
Devall.	Parkhouse.
Dunlap.	Patterson.
Dunagan.	Pope.
Engelhard.	Puryear.
Fain.	Ratliff.
Fisher.	Reed of Bowie.
Fuchs.	Reed of Dallas.
Glass.	Renfro.
Golson.	Riddle.
Good.	Roberts.
Goodman.	Rogers of Hunt.
Graves.	Rogers
Greathouse.	of Ochiltree.
Griffith.	Rollins.
Hankamer.	Russell.
Harris.	Scarborough.
Hartzog.	Scott.
Head.	Shannon.
Hicks.	Stinson.
Hill.	Stovall.
Holland.	Stubbeman.
Holloway.	Tarwater.
Hoskins.	Tennyson.
Huddleston.	Thomas.
Hughes.	Tillery.
Hunt.	Townsend.
Hyder.	Turlington.
James.	Van Zandt.
Jefferson.	Vaughan.
Johnson	Wagstaff.
of Anderson.	Walker.
Jones of Runnels.	Wells.
Jones of Shelby.	Winningham.
Kayton.	Wood.
Kyle of Hays.	Young.

Absent

Davidson.	Jackson.
Dwyer.	Jones of Atascosa.
Harman.	McDougald.
Harrison.	Ramsey.
Hester.	

Absent—Excused

Alexander.	Johnson
Beck.	of Dimmit.
Bedford.	Lange.
Calvert.	Leonard.
Cathey.	Mathis.
Chastain.	Palmer.
Colson.	Pavlica.
Coombes.	Ray.
Cowley.	Reader.
Dean.	Roark.
Duvall.	Savage.
Ford.	Shults.
Hodges.	Smith.
Holekamp.	Stanfield.
Hunter.	Steward.
	Weinert.

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Dean for today, on motion of Mr. Ratliff.

Mr. Ray for today, on motion of Mr. Roberts.

Mr. Ford for today, on motion of Mr. Head.

Mr. Leonard for today, on motion of Mr. Glass.

Mr. Reader for today, on motion of Mr. Young.

Mr. Lange for today, on motion of Mr. Walker.

Mr. Mathis for today, on motion of Mr. Moore.

Mr. Duvall for today, on motion of Mr. Patterson.

Mr. Holekamp for today, on motion of Mr. Tarwater.

Mr. Cowley for today, on motion of Mr. Scarborough.

Mr. Shults for today, on motion of Mr. Puryear.

Mr. Hunter for today, on motion of Mr. Stovall.

Mr. Roark for today, on motion of Mr. Vaughan.

Mr. Steward for today, on motion of Mr. Winningham.

Mr. Savage for today, on motion of Mr. Thomas.

Md. Hodges for today, on motion of Mr. Canon.

Mr. Stanfield for today, on motion of Mr. Hyder.

Mr. Chastain for today, on motion of Mr. Harris.

Mr. Smith for today, on motion of Mr. Thomas.

Mr. Pavlica for today, on motion of Mr. Latham.

Mr. Coombes for today, on motion of Mr. Russell.

Mr. Calvert for today, on motion of Mr. Wells.

The following Members were granted leaves of absence on account of illness:

Mr. Bedford for today, on motion of Mr. Tennyson.

Mr. Alexander for today and yesterday afternoon, on motion of Mr. Moffett.

Mr. Beck for today, on motion of Mr. Morrison.

Mr. Cathey for today, on motion of Mr. Russell.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Metcalfe, Mr. Lange, Mr. Hoskins, and Mr. Jones of Runnels:

H. B. No. 135, A bill to be entitled "An Act relating to the granting of relief in certain cases during the emergency declared to exist, from inequitable sales under deeds of trust and inequitable foreclosures of vendors' liens and execution sales of real estate by providing that any bank, corporation, or joint stock association, doing business in this State, shall be required to accept at par value bonds issued by said bank, corporation, or joint stock association as payment on any debt owed said bank, corporation, or joint stock association; providing that the terms and provisions of this Act shall be of no further force and effect after May 1, 1935; suspending all laws and parts of laws in conflict herewith for the duration of this Act, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Pope:

H. B. No. 136, A bill to be entitled "An Act withdrawing from sale or lease for minerals or otherwise all

lands situated in the bed of the Nueces River between the lower boundary of La Fruta Dam, now being reconstructed by the City of Corpus Christi, and the junction of the Nueces River with the eastern boundary of McMullen County; requiring that land within such area hereafter relinquished be not again leased or otherwise disposed of; permitting the holders of leases in such areas to relinquish them; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

BILL ORDERED NOT PRINTED

On motion of Mr. Munson, House Bill No. 124 was ordered not printed.

EXPRESSING SYMPATHY OF THE HOUSE TO HON. BOB ALEXANDER

Mr. Moffett offered the following resolution:

Whereas, Mrs. Bob Alexander, wife of our fellow Member, the Hon. Bob Alexander, is now confined in an Austin hospital because of a serious operation; now, therefore, be it

Resolved, That the House of Representatives expresses its sincere sympathy to our fellow Member because of this serious illness in his family, and expresses the earnest hope that Mrs. Alexander will attain a speedy recovery; and, be it further

Resolved, That the Chief Clerk send a copy of this resolution to Mrs. Alexander, together with suitable sick-room flowers, during the course of her illness.

MOFFETT,
HARRIS,
PURYEAR,
TARWATER.

The resolution was read second time.

On motion of Mr. Hoskins, the names of all the Members of the House were added to the resolution as signers thereof:

Signed—Stevenson, Speaker; Adamson, Aikin, Alsup, Anderson, Atchison, Baker, Barrett, Barron, Beck, Bedford, Bergman, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Celaya, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Davidson, Dean, Devall, Dunagan, Dunlap, Duvall,

Dwyer, Engelhard, Fain, Fisher, Ford, Fuchs, Glass, Golson, Good, Goodman, Graves, Greathouse, Griffith, Hankamer, Harman, Harrison, Hartzog, Head, Hester, Hicks, Hill, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Johnson of Dimmitt, Johnson of Anderson, Jones of Runnels, Jones of Shelby, Jones of Atascosa, Kayton, Kyle of Palo Pinto, Kyle of Hays, Laird, Lange, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Magee, Mackay, Mathis, McCullough, McDougald, McGregor, McKee, Merritt, Metcalfe, Mitcham, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pavlica, Pope, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roark, Roberts, Rogers of Ochiltree, Rogers of Hunt, Rollins, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Stovall, Stubbeman, Tennyson, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, Winningham, Wood, Young.

The resolution was unanimously adopted.

GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 3, Granting Max Hirsh et al. permission to sue the State.

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

H. C. R. No. 24, Granting A. J. Harbers permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was adopted.

GRANTING N. W. BUCHANAN PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 9, Granting N. W. Buchanan permission to sue the State;

The resolution having heretofore been read second time, and referred to the Committee on State Affairs;

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

HOUSE BILL NO. 34 ON SECOND READING

On motion of Mr. Greathouse, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 34, A bill to be entitled "An Act granting permission to Mrs. Ola Anderson and Oran Anderson, surviving wife and son of Henry A. Anderson, deceased, to bring suit against the State of Texas in the District Court of Denton County, Texas, for damages for personal injuries resulting in death received by the said Henry A. Anderson while on duty as a laborer in the employ of the North Texas State Teachers College, at Denton, Texas; etc."

The Speaker laid the bill before the House, and it was read second time.

Mr. Anderson offered the following amendment to the bill:

Amend House Bill No. 34, Section 2, by changing the court of venue from Denton County, Texas, to Travis County, Texas.

The amendment was adopted.

Mr. Vaughan offered the following amendment to the bill:

Amend House Bill No. 34, Section 2, by striking out all of said Section, after the word "effect," in line 4 thereof.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to the body of the bill.

H. B. No. 34 was then passed to engrossment.

HOUSE BILL NO. 124 ON SECOND
READING

On motion of Mr. Munson, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 124, A bill to be entitled "An Act to amend Chapter 105, of the Special Laws passed by the Thirty-third Legislature, at its Regular Session in 1913, same being a special road law for Jackson County, Texas, by adding thereto Sections 4-a, 4-b, and 4-c, creating Road District No. 7, Jackson County, Texas, defining and specifically setting out its boundaries; etc."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 115 ON SECOND
READING

On motion of Mr. Stubbeman, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 115, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any wild quail of any species, for a period of five (5) years, in Midland County, Texas; fixing penalty, and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 106 ON SECOND
READING

On motion of Mr. Golson, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 106, A bill to be entitled "An Act prohibiting fishing in Lake Brownwood, in Brown County, until May 15, 1935; prohibiting fishing at any time except during the open season provided in this Act; fixing the open season after May 15, 1935, from May 15 to February 1; prohibiting the possession of any fishing tackle or fishing device on the waters of Lake Brownwood at any time except during the open season; fixing a penalty for violation of this Act; repealing all laws or parts of laws in con-

flict with this Act, and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 96 ON SECOND
READING

On motion of Mr. Long, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 96, A bill to be entitled "An Act to amend Section 9, of Article 1112-b, of the Penal Code of the State of Texas, being Section 9 of an Act of the Forty-third Legislature, passed at its Regular Session, Chapter 165, page 422, by providing for punishment by fine not exceeding five hundred dollars (\$500), etc.; making the president of any corporation the chief managing executive of each association, and the active members of each firm and partnership and the trustees of each trust criminally responsible for the failure to comply with the terms of said Act, or for the violation of any of the terms or provisions thereof, or any rule or order duly adopted and promulgated by the said governmental agency under the terms of said Act; declaring it to be the legislative intent to enact each separate provision independent of the other provisions, and if any clause, sentence, or part of said Act shall be declared unconstitutional, the same shall not affect any other clause, sentence, or part of same, and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 99 ON SECOND
READING

On motion of Mr. Turlington, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 99, A bill to be entitled "An Act amending Section 5, of Chapter 26, Acts, Forty-second Legislature, First Called Session, providing for the control of refineries, requiring reports of same, authorizing the Railroad Commission agents to inspect refinery properties; requiring such refineries to equip their pipe

lines with meters and report measurements of same, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Long offered the following amendment to the bill:

Amend House Bill No. 99, Section 1, by striking out the words "or equipped with meter or measuring device," in line 18, and by striking out all of the last sentence in Section 1.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 99 was then passed to engrossment.

HOUSE BILL NO. 79 ON SECOND READING

On motion of Mr. Hankamer, by unanimous consent, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 79, A bill to be entitled An Act amending Section 3, of Chapter 67, Acts of the First Called Session of the Forty-third Legislature, same being Senate Bill No. 52, so as to provide the method of prorating funds provided in said chapter; fixing date for filing claims under said appropriation; providing that claims arising thereunder shall not be negotiable or assignable; providing that no commissions or fees shall be paid for presenting and/or prosecuting said claims, and declaring an emergency."

On motion of Mr. Hankamer, the Twenty-four-hour House Rule, relative to the consideration of printed bills, was suspended, for the purpose of considering House Bill No. 79.

The Speaker laid the bill before the House, and it was read second time.

Mr. Hankamer offered the following committee amendment to the bill:

Amend House Bill No. 79, Section 1, page 3, by striking out "April 1," and inserting "April 15."

The amendment was adopted.

Mr. Hankamer offered the following committee amendment to the bill:

Amend House Bill No. 79 by add-

ing at the end of Section 1, page 3, the following:

"It is the intention of this Act to reimburse the growers and producers of cotton, which is produced in Texas, for expenses incurred in sterilizing cotton seed and fumigating cotton, whether said cotton was ginned in Texas or some other State, if said expense to the grower was charged by reason of the Texas regulatory laws in such cases."

The amendment was adopted.

Mr. Hankamer offered the following amendment to the bill:

Amend House Bill No. 79, page 1, Section 1, line 30, by striking out the word "commissioner," in said line, and inserting in lieu thereof the words "commissions or."

HANKAMER,
METCALFE,
CLAYTON.

The amendment was adopted.

Mr. Graves offered the following amendment to the bill:

Amend House Bill No. 79, page 2, by inserting between lines 21 and 22 the following: "Provided, that when any claim, payment of which has been authorized under the Act herein amended, is paid only in its proportional part, the said claim shall be receipted for in full, and no further amount shall ever be paid by the State for such claim."

GRAVES,
BURNS.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House Bill No. 79 was passed to engrossment.

HOUSE BILL NO. 10 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 10, A bill to be entitled "An Act to amend Section 5, of Chapter 88, of the Acts of the Second Called Session of the Forty-first Legislature, relating to the licensing of motorcycles, side cars, and passenger motor vehicles, providing a license fee therefor, fixing an effective date

of this Act, and declaring an emergency."

The bill was read second time.

(Pending consideration of the bill, Mr. Dunlap occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Stinson et al. offered the following amendment to the bill:

Amend House Bill No 10 by adding another Section, to be numbered Section 2, and renumbering other Sections accordingly:

"Section 2. Before a license shall be issued for any such car or motorcycle, the owner of such car or motorcycle, or his agent, shall present tax receipts to the officer issuing such license showing the payment of all State and county ad valorem taxes due and owing on such car or motorcycle."

STINSON,
CAMP,
WELLS,
HEAD.

Mr. Head offered the following amendment to the amendment:

Amend amendment to House Bill No. 10 by adding after last line of Section 2, the following: "A taxpayer may, upon his request, receive from his county tax collector a separate receipt for his ad valorem tax on his automobile as separated from his other properties upon which tax is levied."

Question—Shall the amendment by Mr. Head be adopted?

NOTICE GIVEN

Mr. Butler gave notice that he would, on the next legislative day, call up the motion to reconsider the vote by which Senate Bill No. 25 was passed; which motion to reconsider was heretofore spread on the Journal.

MESSAGE FROM THE GOVERNOR

Mr. John H. Davis, secretary to the Governor, appeared at the Bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
Austin, Texas, February 17, 1934.

To the Forty-third Legislature in
Second Called Session:

At the request of Senator Woodruff and Representatives Butler and

Townsend, I am submitting herewith for your consideration a bill to be entitled "An Act amending Section 3, of Chapter 215, page 719, General Laws of Texas, Forty-third Legislature of Texas, 1933, providing a basis for salaries for services in summer schools at certain State supported institutions of higher learning, and repealing certain provisions for the collection of certain matriculation and tuition fees from students of summer schools in certain State supported institutions of higher learning, and declaring an emergency."

At the request of Senator Woodul, I am submitting herewith a bill to be entitled "An Act for the purpose of releasing penalties and interest accrued or that may accrue on all franchise taxes that may be due or to become due under the provisions of Articles 7089 and 7091, Revised Civil Statutes of 1925, for the years 1928 to 1933, inclusive; etc., and declaring an emergency."

I am attaching hereto for your consideration a bill to be entitled "An Act repealing all of Section 6-a, of House Bill No. 11, Chapter 214, Acts, Regular Session, Forty-third Legislature, page 637, and declaring an emergency." (Prepared by the Attorney General's Department and submitted at the request of the Secretary of State.)

Respectfully submitted,

MIRIAM A. FERGUSON,
Governor of Texas.

ADJOURNMENT

Mr. Burns moved that the House adjourn until 10 o'clock a. m., next Monday.

Mr. Fain moved that the House recess to 2 o'clock p. m., today.

Question first recurring on the motion by Mr. Burns, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—42

Adamson.
Atchison.
Baker.
Barrett.
Barron.
Burns.
Clayton.
Crossley.
Daniel.
Dunlap.
Engelhard.
Fisher.

Golson.
Goodman.
Graves.
Greathouse.
Griffith.
Huddleston.
Hughes.
Jefferson.
Jones of Shelby.
Kyle of Hays.
Kyle of Palo Pinto.
Laird.

Lindsey.	Rogers
Lotief.	of Ochiltree.
McKee.	Scott.
Moore.	Stovall.
Morrison.	Tennyson.
Morse.	Turlington.
Munson.	Van Zandt.
Reed of Bowie.	Walker.
Reed of Dallas.	Wood.
Renfro.	

Nays—48

Aikin.	McCullough.
Alsup.	Merritt.
Anderson.	Mitcham.
Bourne.	Moffett.
Butler.	Parkhouse.
Camp.	Puryear.
Canon.	Ratliff.
Celaya.	Riddle.
Devall.	Roberts.
Dunagan.	Rogers of Hunt.
Fain.	Rollins.
Glass.	Russell.
Good.	Shannon.
Hankamer.	Stinson.
Harris.	Stubbsman.
Head.	Tarwater.
Hicks.	Thomas.
Hoskins.	Tillery.
Hunt.	Townsend.
James.	Vaughan.
Jones of Runnels.	Wagstaff.
Kayton.	Wells.
Latham.	Winningham.
Magee.	Young.

Absent

Bergman.	Johnson
Bradley.	of Anderson.
Caven.	Jones of Atascosa.
Davidson.	Lemens.
Dwyer.	Long.
Fuchs.	Mackay.
Harman.	McDougald.
Harrison.	McGregor.
Hartzog.	Metcalfe.
Hester.	Nicholson.
Hill.	Patterson.
Holland.	Pope.
Holloway.	Ramsey.
Hyder.	Scarborough.
Jackson.	

Absent—Excused

Alexander.	Ford.
Beck.	Hodges.
Bedford.	Holekamp.
Calvert.	Hunter.
Cathey.	Johnson
Chastain.	of Dimmit.
Colson.	Lange.
Coombes.	Leonard.
Cowley.	Mathis.
Dean.	Palmer.
Duvall.	Pavlica.

Ray.	Smith.
Reader.	Stanfield.
Roark.	Steward.
Savage.	Weinert.
Shults.	

Mr. Burns raised the point of order that there was not a quorum present.

The Speaker sustained the point of order.

Mr. Parkhouse moved a call of the House for the purpose of securing a quorum, and the call was not seconded.

Mr. Patterson moved a call of the House for the purpose of securing a quorum, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

Mr. Alsup moved that the House adjourn until 9:30 o'clock a. m., next Monday.

The motion of Mr. Alsup prevailed, and the House, accordingly, at 12:25 o'clock p. m., adjourned until 9:30 o'clock a. m., next Monday.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Game and Fisheries: House Bills Nos. 101, 115, 106, and 104.

Conservation and Reclamation: House Bills Nos. 46, 134, and 121.

Municipal and Private Corporations: House Bills Nos. 120 and 108.

Judiciary: House Bill No. 130; Senate Bill No. 3.

Highways and Motor Traffic: House Bills Nos. 124 and 72.

State Affairs: House Bills Nos. 122 and 127.

Public Health: House Bill No. 118.

Counties: House Bills Nos. 112 and 100.

Criminal Jurisprudence: House Bills Nos. 92, 114, 102, and 125.

The Committee on Congressional and Legislative Districts filed an adverse report on House Bill No. 55.

The Committee on State Affairs filed an adverse report on House Bill No. 15.